

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BLUE SPIKE, LLC
Plaintiff,

v.

TEXAS INSTRUMENTS, INC.
Defendants

§
§
§
§
§

Civil Action No. 6:12-CV-499 MHS

LEAD CASE

**DECLARATION OF WALTER W. LACKEY, JR. IN SUPPORT OF DEFENDANTS'
OPPOSITION TO PLAINTIFF'S MOTION TO THE STRIKE EXPERT
DECLARATIONS AND ANY RELIANCE ON THE DECLARATIONS OF JOHN
SNELL AND PROFESSOR MATTHEW TURK IN DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT ON INDEFINITENESS**

I, Walter W. Lackey, Jr., declare under penalty of perjury that the following is true and correct:

1. I am an attorney at the law firm Findlay Craft, P.C., counsel of record for defendants Fulcrum Biometrics, LLC, Viggie Inc., Iritech, Inc., Futronic Technology Co., Ltd., Attributor Corporation, and Audible Magic Corp. and a number of its customers accused as defendants in this case on the basis of Audible Magic's technology. I have personal knowledge of the facts set forth in this declaration, or access to information and records allowing me to confirm these facts. If called as a witness, I could testify competently to these facts under oath.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an email dated September 10, 2014 from myself to Peter Brasher.

I declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct based on my own personal knowledge.

Executed on September 15, 2014 in Tyler, Texas.

/s/ Walter W. Lackey, Jr.
Walter W. Lackey, Jr.